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Page: 1

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CONFIDENTIAL

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P6

PAGE 01 BOGOTA 03766 01 OF 02 032221Z
ACTION ARA-01

INFO	LOG-00	ACDA-08	ACDE-00	INLB-01	AID-00	AMAD-01	A-00
	ACQ-01	CA-02	CCO-00	CG-00	CIAE-00	COME-00	CTME-00
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	EB-00	OIGO-01	FAAE-00	FBIE-00	FBO-01	H-01	IMMC-01
	TEDE-00	INR-00	INSE-00	IO-00	JUSE-00	LAB-01	L-01
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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 003766

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E.O. 12958: DECL: 4/2/08
TAGS: PHUM, SNAR, PTER, PINR, PGOV, KJUS, KCRM, CO
SUBJECT: THE PROSECUTION RESTS IN SEGOVIA MASSACRE CASE

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BOGOTA 03766 01 OF 02 032221Z

REF: BOGOTA 3263

CLASSIFIED BY AMBASSADOR CURTIS W. KAMMAN. REASONS 1.5 (B&D).

1. (C) SUMMARY: COLOMBIAN PROSECUTORS HAVE RESTED THEIR CASE IN THE PROSECUTION OF SENIOR PARAMILITARY, ARMY AND POLICE OFFICIALS BELIEVED RESPONSIBLE FOR EXECUTING THE 1988 "SEGOVIA (ANTIOQUIA) MASSACRE," WHICH LEFT MORE THAN 100 DEAD OR WOUNDED. (THE MOST-

Current Class: CONFIDENTIAL

Page: 1

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JAMES F COOPER
DATE/CASE ID: 08 MAY 2009 200800267

UNCLASSIFIED

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Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1998BOGOTA03766

Page: 2

Channel: n/a

SENIOR ARMY OFFICER CHARGED HAS BEEN IN DETENTION SINCE 1992 -- FOR COORDINATING THE ESCAPE OF PABLO ESCOBAR FROM JAIL.) THE JUDGE LEGALLY NOW HAS ONE YEAR TO ISSUE HIS DECISION AND ANY SENTENCES. THE PARALLEL CRIMINAL INVESTIGATION AGAINST CESAR PEREZ GARCIA, THE POLITICAL "CAUDILLO" -- AND LONG-TIME PRESIDENT OF THE COLOMBIAN HOUSE OF REPRESENTATIVES -- FORMALLY ACCUSED OF HAVING PROMPTED THE MASSACRE, HOWEVER, DRAGS ON. EVEN THOUGH THIS CRIMINAL CASE HAS NOW REACHED A RATHER ADVANCED STAGE (AFTER TEN-PLUS YEARS), IT HIGHLIGHTS MUCH OF WHAT IS WRONG WITH COLOMBIA'S LEGAL, MILITARY AND POLITICAL SYSTEMS. END SUMMARY.

A MACABRE MASSACRE, EVEN BY LOCAL STANDARDS

2. (U) COLOMBIAN PROSECUTORS RESTED MARCH 24 THEIR CRIMINAL CASE AGAINST TWO PARAMILITARY LEADERS, FIVE ARMY OFFICERS AND A POLICE COMMANDER ACCUSED OF HAVING ORCHESTRATED ONE OF COLOMBIA'S MOST MACABRE AND INFAMOUS CASES OF MASS-MURDER: THE NOVEMBER 11, 1988, MASSACRE IN SEGOVIA, ANTIOQUIA (IN THE MAGDALENA MEDIO REGION). FORTY-NINE PERSONS WERE KILLED AND ANOTHER 56 INJURED IN A BLOODY RAMPAGE WHICH BEGAN IN THE TOWN'S SQUARE. THE SLAUGHTER OCCURRED MID-DAY ON A FRIDAY PAYDAY, WHEN GOLD-MINERS

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BOGOTA 03766 01 OF 02 032221Z
FROM THE NEARBY HILLS AND HOLLOWES CONVERGED ON THE TOWN TO CASH THEIR PAYCHECKS. THREE TRUCKS OF ARMED MEN ARRIVED AND BEGAN OPENING FIRE, APPARENTLY RANDOMLY, AGAINST THE TOWNSPEOPLE. THE BODIES OF THE DEAD MEN, WOMEN AND CHILDREN WERE THEN LOADED ON THE TRUCKS, WHICH CONTINUED TO CIRCULATE THROUGH THE STREETS AS THE PARAMILITARY FIGHTERS STOOD ATOP THE DEAD, CHEERING AND DRINKING TO THEIR "GOOD HUNTING." THROUGH IT ALL, NEITHER THE TOWN'S ARMY BATTALION NOR POLICE DETACHMENT STIRRED FROM THEIR BASES.

3. (U) ACCUSED OF DIRECTING THE KILLINGS, PARAMILITARY LEADERS FIDEL CASTANO AND LUIS ALBERTO ARRIETA AND THEN-LT. COL. HERNANDO NAVAS RUBIO WERE FORMALLY CHARGED WITH TERRORISM, CONSPIRACY, PERSONAL INJURY AND MULTIPLE HOMICIDE WITH TERRORIST ENDS. AT THE TIME OF THE MASSACRE, NAVAS RUBIO WAS SERVING AS CHIEF INTELLIGENCE OFFICER FOR THE ARMY'S 14TH BRIGADE, HEADQUARTERED IN THE NEARBY TOWN OF PUERTO BERRIO; FIDEL CASTANO SERVED AS HEAD OF THE SELF-DEFENSE GROUPS OF CORDOBA AND URABA ("ACCU"); ARRIETA WAS THE PERSONAL BODYGUARD AND SIDEKICK OF "VLADIMIR," A GUERRILLA-TURNED-PARAMILITARY LEADER (WHO HAS ALREADY CONFESSED AND BEEN SENTENCED FOR HIS OWN INVOLVEMENT IN THE MASSACRE).

4. (U) THE OTHER CO-DEFENDANTS IN THE TRIAL INCLUDE AN ARMY

Current Class: CONFIDENTIAL

Page: 2

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1998BOGOTA03766

Page: 3

Channel: n/a

LIEUTENANT COLONEL, A MAJOR, A LIEUTENANT AND THE LOCAL POLICE COMMANDER. THE FISCALIA ORDERED THE RELEASE OF ANOTHER ARMY OFFICER, MAJOR BERNARDO BLANCO PINEDA, AFTER DETERMINING THAT THERE WAS INSUFFICIENT EVIDENCE TO WARRANT CHARGES AGAINST HIM. THE FISCALIA ALSO CONTINUES BUILDING ITS RELATED CASE AGAINST THE PRESUMED INTELLECTUAL AUTHOR OF THE MASSACRE, THEN-CONGRESSMAN CESAR PEREZ GARCIA, THE ANTIOQUIA POLITICAL STRONGMAN (AND MULTIPLE-TERM PRESIDENT OF THE LOWER HOUSE OF COLOMBIA'S

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BOGOTA 03766 01 OF 02 032221Z
CONGRESS, THE CHAMBER OF REPRESENTATIVES) WHO HAD ROUTINELY APPOINTED MAYORS IN THE REGION. PEREZ IS BELIEVED TO HAVE ORDERED THE MASSACRE TO DISRUPT THE POLITICAL ADVANCES MADE BY THE "U.P.", A POLITICAL COALITION OF LEFTISTS, COMMUNISTS AND DEMOBILIZED FARC GUERRILLAS WHICH WAS ESTABLISHED IN 1985. THE U.P. HAD CHALLENGED PEREZ' DECADES-LONG DOMINANCE BY HANDILY WINNING THE SEGOVIA MAYORALTY THE PREVIOUS MONTH, IN COLOMBIA'S FIRST DIRECT ELECTIONS FOR LOCAL MAYORS.

THE SUSPECTS' "RAP SHEETS"

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5. (C) NAVAS RUBIO IS BECOMING QUITE THE HOUSEHOLD NAME. ALONGSIDE RETIRED GENERAL FAROUK YANINE DIAZ, NAVAS RUBIO WAS JUST CLEARED ON 17 MARCH BY THE MILITARY COURT OF APPEALS ("TRIBUNAL SUPERIOR MILITAR") OF INVOLVEMENT IN THE 1987 PARAMILITARY MASSACRE OF 19 TRAVELING MERCHANTS OPERATING OUT OF PUERTO BERRIO. NAVAS RUBIO REMAINS IN MILITARY DETENTION, NOT JUST BECAUSE OF HIS PROSECUTION IN THE SEGOVIA CASE, BUT BECAUSE OF HIS INVOLVEMENT IN SEVERAL OTHER NOTORIOUS KILLINGS (SEE REFTTEL).

6. (C) NAVAS RUBIO WAS FIRST ARRESTED, HOWEVER, NOT FOR ANY OF THESE VIOLENT CRIMES BUT BECAUSE OF HIS 1992 ROLE IN ORCHESTRATING THE ESCAPE OF NONE OTHER THAN MEDELLIN CARTEL KINGPIN CARLOS ESCOBAR FROM "DETENTION." THE NATIONAL AND INTERNATIONAL OUTRAGE OVER ESCOBAR'S ESCAPE FROM THE "LA CATEDRAL PRISON" THAT HE BUILT FOR HIMSELF NEAR MEDELLIN PROMPTED THE INVESTIGATION, DETENTION AND CONVICTION OF NAVAS RUBIO -- WHO WAS THEN SERVING AS THE DIRECTOR OF THE ONE-INMATE PRISON. ONLY THEN WAS NAVAS RUBIO FORCED TO RETIRE FROM THE ARMY (WITH FULL PENSION

CONFIDENTIAL

CONFIDENTIAL

PAGE 05 BOGOTA 03766 01 OF 02 032221Z

Current Class: CONFIDENTIAL

Page: 3

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1998BOGOTA03766

Page: 4

Channel: n/a

CONFIDENTIAL

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PAGE 01 BOGOTA 03766 02 OF 02 032222Z
ACTION ARA-01

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CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BOGOTA 03766 02 OF 02 032222Z

REF: BOGOTA 3263

RIGHTS). TODAY, HE REMAINS CONFINED TO QUARTERS AT A MARINE BASE
IN BOGOTA.

7. (C) LUIS ALBERTO ARRIETA ALSO REMAINS IN CUSTODY, WHERE HE
HAS BEEN FOR MORE THAN ONE YEAR. FIDEL CASTANO HAS NOT BEEN SEEN
IN SEVERAL YEARS, AND IS BELIEVED TO HAVE DIED IN AN ARMED CLASH

Current Class: CONFIDENTIAL

Page: 4

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1998BOGOTA03766

Page: 5

Channel: n/a

WITH FARC GUERRILLAS IN THE URABA REGION OF ANTIOQUIA. THE REINS OF THE ACCU PARAMILITARY MOVEMENT HAVE SINCE BEEN PICKED UP BY FIDEL'S YOUNGER BROTHER, CARLOS CASTANO.

8. (C) WHILE SERVING AS THE PRESIDENT OF THE CHAMBER OF REPRESENTATIVES, CONGRESSMAN PEREZ WAS ACTUALLY THROWN OUT OF BOTH THE CONGRESS AND THE LIBERAL PARTY IN 1994 -- NOT BECAUSE THERE HAD BEEN AN OUTSTANDING WARRANT FOR HIS ARREST FOR MORE THAN SIX MONTHS FOR SPONSORING THE SEGOVIA MASSACRE, BUT BECAUSE HE HAD PUSHED FOR AND VOTED IN FAVOR OF A CONGRESSIONAL BILL WHICH INDIRECTLY BENEFITED HIM PERSONALLY. PEREZ WAS SUBSEQUENTLY CAPTURED IN SEPTEMBER 1995 AS HE TRIED TO LEAVE THE COUNTRY, ONLY TO BE FREED TWO WEEKS LATER. HE REMAINS FREE, AS PROSECUTORS STILL DO NOT HAVE ENOUGH EVIDENCE TO WARRANT HIS PREVENTIVE DETENTION, MUCH LESS PRESENT A COMPLETED CASE TO THE JUDGE. PROSECUTORS PRIVATELY SAY THEY ARE HOPING ONE OF THOSE ACCUSED NOW WILL TURN STATE'S EVIDENCE AGAINST HIM IN EXCHANGE FOR A SENTENCE REDUCTION, BUT THEY ARE NOT HOLDING THEIR BREATH.

COMMENT

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CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BOGOTA 03766 02 OF 02 032222Z

9. (C) JUST LIKE THE YANINE DIAZ CASE, THIS CASE HIGHLIGHTS MUCH THAT IS WRONG WITH COLOMBIA'S JUDICIAL, MILITARY AND POLITICAL SYSTEMS. DESPITE THE HORRIFIC NATURE OF THE CRIMES, THE INITIAL INVESTIGATION DRAGGED ON FOR YEARS. THE CASE ONLY PICKED UP STEAM AFTER THE ARREST OF NAVAS RUBIO IN THE WAKE OF ESCOBAR'S ESCAPE FROM JAIL AND THE DECISION OF "VLADIMIR" TO TURN STATE'S EVIDENCE. SEEN AS "DAMAGED GOODS" BECAUSE OF HIS INVOLVEMENT IN ESCOBAR'S ESCAPE, THE MILITARY JUSTICE SYSTEM APPARENTLY DECIDED TO CUT ITS LOSSES AND NEVER FOUGHT THE CIVILIAN COURTS FOR JURISDICTION OVER THE TRIAL OF COL. NAVAS RUBIO (OR HIS SUBORDINATES). DESPITE AN EVER-LENGTHENING STRING OF ALLEGED CRIMES, NAVAS RUBIO WAS NEVER SERIOUSLY INVESTIGATED BY THE ARMY NOR FORCED TO RETIRE UNTIL HIS COLLUSION WITH THE WORLD'S MOST INFAMOUS NARCOTRAFFICKER WAS BOTH INDISPUTABLE AND EMBARRASSING.

10. (C) THE APPARENT COLLABORATION OF PARAMILITARY, ARMY AND POLICE OFFICERS AND A POWERFUL NATIONAL-LEVEL POLITICIAN IN SUCH AN AUDACIOUS CRIME IS ALSO A SIGN OF HOW ENTRENCHED GOVERNMENTAL COOPERATION WITH PARAMILITARIES WAS IN THE LATE 1980S IN THE MAGDALENA MEDIO REGION, ANCESTRAL WELLSPRING FOR MUCH OF COLOMBIA'S PARAMILITARY MOVEMENT. (WE ALSO NOTE THAT THE NAMES OF ALL FIVE ARMY OFFICERS INDICTED IN THIS CASE ALSO APPEAR IN

Current Class: CONFIDENTIAL

Page: 5

UNCLASSIFIED

UNCLASSIFIED

Current Class: CONFIDENTIAL
Current Handling: n/a
Document Number: 1998BOGOTA03766

Page: 6

Channel: n/a

THE GENERAL YANINE COURT PROCEEDINGS, IDENTIFIED BY DETAINED MILITARY AND PARAMILITARY PERSONNEL AS AMONG THE PARAMILITARIES' ACTIVE DUTY ARMY CONTACTS.) MOREOVER, THE POLICE COMMANDER, CHIEF LAW ENFORCEMENT OFFICER IN TOWN, WAS HIMSELF CHARGED WITH BEING AN ACTIVE PARTICIPANT IN THE KILLINGS, AND WITH SUBSEQUENTLY MISLEADING CRIMINAL INVESTIGATORS.

11. (C) IT STANDS AS STARK TESTIMONY TO HOW COLOMBIA'S POLITICAL ELITE SEES ITS OWN STATUS BEFORE THE LAW (IN SHORT, "IT DOESN'T
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BOGOTA 03766 02 OF 02 032222Z
APPLY TO US") THAT CONGRESSMAN PEREZ COULD REMAIN NOT ONLY FREE BUT PRESIDENT OF THE CHAMBER OF REPRESENTATIVES WHILE THERE WAS AN OUTSTANDING WARRANT FOR HIS ARREST. NOR DO WE DISCOUNT THE LIKELIHOOD THAT POLITICAL PRESSURE AND CORRUPTION ARE THE REASONS THAT FORMER CONGRESSMAN PEREZ REMAINS AT LIBERTY TO THIS DAY.

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Current Class: CONFIDENTIAL

Page: 6

UNCLASSIFIED